

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-05-947
)	
)	D E C I S I O N
RICHARD JAMES NAVA,)	
)	
Defendant.)	

On December 12, 2006, the District Court sentenced the Defendant to Life in prison in the Montana State Prison, for the offense of Deliberate Homicide. The Court further ordered the Defendant serve a consecutive term of ten (10) years in the Montana State Prison for use of a dangerous weapon while committing the offense of Deliberate Homicide.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Penelope Strong. The State was represented by Yellowstone County Deputy Attorney Victoria Callender.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2nd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION

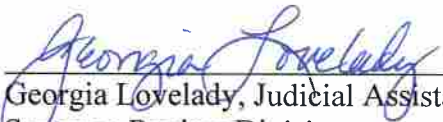

Hon. Brenda Gilbert, Chairperson


Hon. Dan Wilson, Member


Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
Richard James Nava #2122976, Defendant (2)
Hon. Michael Moses
Penelope Strong, Defense Counsel
Ed Zink, Esq.
Scott Twito, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division